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(Exempt from Filing Fees Pursuant to Government Code § 6103)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

XAO THAO,

Case No. 2:23-cv-02563-DJC-CKD

Plaintiffs,

**DEFENDANT COUNTY OF SISKIYOU'S
JOINT STATEMENT OF UNDISPUTED
MATERIAL FACTS IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT**

v.

COUNTY OF SISKIYOU, and DOES 1,
THROUGH 50,

Date: September 18, 2025

Time: 1:30 P.M.

Courtroom: 7, 14th Floor

Defendants.

Complaint Filed: 11/06/2023

Pursuant to the court's Scheduling Order dated March 1, 2024 (ECF No. 7), Defendant COUNTY OF SISKIYOU hereby submit this Joint¹ Statement of Undisputed Material Facts in Support of their Motion for Summary Judgment.

STATEMENT OF FACTS

JOINT UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE	
1.	On 7/25/2022, Sgt Sam Kubowitz, as part of the Siskiyou County Sheriff's Department's ("Sheriff's Department") Marijuana Eradication Team, conducted aerial surveillance in the area of Klamath River County Estates and took several photos of greenhouses, plants, as well as a GPS location of the properties for later reference.

¹ Counsel for the parties met and conferred regarding a draft, and this document is intended to reflect those efforts. Counsel for Plaintiff was sent this version as a final, but he did not respond prior to filing of the instant motion.

1		Declaration of Sam Kubowitz at 2; Request for Judicial Notice
2	2.	On 8/8/2022, Sgt. Kubowitz reviewed the photos and identified hundreds of marijuana plants being cultivated. Using Parcel Quest, Sgt. Kubowitz identified one property as APN 104-320-100, and the other as APN: 104-320-090.
3		Declaration of Sam Kubowitz at 3; Request for Judicial Notice
4		
5	3.	On 8/10/2022, Siskiyou County Sheriff's Department obtained a search warrant for real property APN: 104-320-100, (#2022-195) ("the Property")
6		Search and affidavit of probable cause, Exhibit A to Request for Judicial Notice
7		
8	4.	On 8/10/2022, Siskiyou County Sheriff's Department obtained a search warrant for real property APN: 104-320-090 (#2022-204)
9		Search and Affidavit of Probable Cause, Exhibit B to Request for Judicial Notice
10	5.	On 8/16/2022, the search warrants were executed at both properties.
11		Declaration of Sam Kubowitz at 4.
12	6.	Plaintiff did not own or live at APN: 104-320-100
13		Request for Admissions No. 1; Deposition of Plaintiff, p.9:4-12
14	7.	Plaintiff did not own or live at APN: 104-320-090
15		Request for Admissions No. 1, 2; Deposition of Plaintiff p.14:9-15;
16	8.	Plaintiff did not own or live at 6350 Clark Road, Hornbrook, CA 96044
17		Request for Admissions No. 1; Deposition of Plaintiff, p.9:4-12
18	9.	Plaintiff did not have any privacy interest in either of the properties subject to the search warrants.
19		Request for Admissions No. 21; Deposition of Plaintiff p.9:7-15; p.14:14-18
20	10.	On 8/16/2022, Plaintiff was present during the execution of the warrants.
21		Request for Admissions No. 12; Deposition of Plaintiff p.18:23-p.19:1
22	11.	Plaintiff was taken into custody outside on one of the properties that the warrants were being executed.
23		Request for Admissions No. 13, 20; Deposition of Plaintiff, p. 19:2-24
24		

Dated: July 25, 2025

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By /s/ John R. Whitefleet
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